Y 1.1/5:97-632

Calendar No. 912

97TH CONGRESS, 2d Session } SENATE { REPORT No. 97-632

Y1.1/5:97-632

ORIGINAL

MARIA CECILIA GABELLA-OSSA

SEPTEMBER 29 (legislative day, SEPTEMBER 8), 1982.—Ordered to be printed

Mr. THURMOND, from the Committee on the Judiciary, submitted the following

REPORT

COMPLETED

[To accompany H.R. 2342]

The Committee on the Judiciary, to which was referred the bill (H.R. 2342) for the relief of Maria Cecilia Gabella-Ossa, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to waive certain periods of residence and physical presence requirements for the purpose of naturalization.

STATEMENT OF FACTS

The beneficiary of the bill is a 26-year-old native of Chile who was admitted to the United States for permanent residence October 7, 1973. She was found ineligible to be naturalized a citizen of the U.S. because she left two months after filing an application for naturalization to take a position as a teacher in an international school in Chile. She has been residing in Chile since July 1980.

The pertinent facts in this case are contained in a letter dated August 28, 1981, from the Commissioner of Immigration and Naturalization to the Chairman of the House Committee on the Judiciary. That letter and accompanying memorandum read as follows:

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U.S. DEPARTMENT OF JUSTICE,
IMMIGRATION AND NATURALIZATION SERVICE,
Washington, D.C., August 28, 1981.

A34–329–501.

Hon. PETER W. RODINO, Jr.,
Chairman, Committee on the Judiciary, House of Representatives,
Washington, D.C.

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H.R. 2342) for the relief of Maria Cecilia Gabella-Ossa, there is attached a memorandum of information concerning the beneficiary.

The bill would provide that the beneficiary shall be held and considered to have satisfied the required periods of residence and physical presence in the United States for the purpose of naturalization. The bill further provides that the beneficiary may be naturalized at any time after the date of enactment of this Act, if otherwise eligible for naturalization under the statutes of the Immigration and Nationality Act.

Sincerely,

DAVID M. DIXON,
Executive Assistant
(For the Commissioner).

Enclosure.

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE: H.R. 2342

The beneficiary, Maria Cecilia Gabella-Ossa, a native and citizen of Chile, was born on January 2, 1956. On October 7, 1973 she was admitted to the United States as a permanent resident accompanying her mother and father. Her parents and five brothers are presently residing in the United States. Her father, Orestes Gabella-Guzman, and brother Pablo are United States citizens. Her parents reside in Indiana The United States citizen brother, Pablo, is in the United States Navy, stationed at Brunswick, Maine.

On May 8, 1980 the beneficiary made an application to file a petition for naturalization. In July 1980 she left the United States for Santiago, Chile to teach kindergarten at the International School. She signed a two-year contract and is now in the second year of that contract. She returned to the United States temporarily in December 1980 and was interviewed regarding her application. She was found to be ineligible to file a petition for naturalization because she is not residing in the United States.

Miss Gabella is presently earning $14,800 per year and has $3,000 deposited at Bank of Boston, Santiago, Chile.

Miss Gabella obtained a bachelors degree in education from Barat College, Lake Forest, Illinois in 1979. She is also presently working on obtaining a masters degree through a program administered by the University of Virginia in Santiago, Chile.

Information from the beneficiary was obtained on July 21, 1981 at Hammond, Indiana. She was visiting her parents during summer vacation. She returned to Chile on July 25, 1981.

Mr. John Hiler, the author of this bill, submitted the following statement of support on behalf of his bill.

HOUSE OF REPRESENTATIVES,
Washington, D.C., October 12, 1981.

Hon. ROMANO L. MAZZOLI,
Chairman, Subcommittee on Immigration, Refugees, and International Law.

DEAR MR. MAZZOLI: I deeply appreciate the favorable vote of the Subcommittee on H.R. 2342, and would like to take this opportunity to present a written statement in support of the legislation. I introduced the bill on behalf of Maria Cecilia Gabella-Ossa, a young woman from the 3rd District of Indiana.

The technical requirement of the immigration law that the applicant for citizenship be physically present for the year preceding the filing of a petition has worked an undue hardship in this case. Miss Gabella has been an asset to our community for seven years, leaving this country only to devote herself to the interests of United States citizens abroad. Because of a brief interruption in her residency, and a misunderstanding of the strict technical requirements for filing, she has been denied the right to apply for citizenship.

Miss Gabella came to the United States with her family in 1973 at the age of 16. She has lived in LaPorte, Indiana since that time, attending high school and returning for summers during college. As a schoolteacher for a summer after being graduated from Lake Forest College, she continued to be a valuable member of our community.

She applied for citizenship in May 1980. In July 1980, Miss Gabella left the United States for the first time in seven years to interview for a teaching position with the prestigious International School in Santiago, Chile. The interview was successful, Miss Gabella was offered a position, and she remained in Santiago to teach from August to December 1980.

When she appeared for the filing of her citizenship petition in U.S. District Court for Northern Indiana, she was informed that because she had left the country during the immediately preceding six months, she was ineligible to file.

I introduced H.R. 2342 to alleviate this hardship on Miss Gabella. I am most anxious to ensure that she may apply for citizenship despite her temporary residency in Chile. But for her outstanding contribution teaching the children of U.S. Embassy personnel in Chile, she would be qualified to file for citizenship at any time.

I respectfully request the concurrence of the Committee on the Judiciary in this matter, as well as the support of Members of the House of Representatives when the bill is brought to a vote on the floor.

Thank you for your consideration of H.R. 2342.

Sincerely,

JOHN HILER.

COST

No cost would result from enactment of this bill.

REGULATORY IMPACT STATEMENT

In compliance with paragraph 11(b)(1), Rule XXVI of the Standing Rules of the Senate, it is hereby stated that the committee anticipates that the bill will have no additional direct regulatory impact, inasmuch as it affects just one individual.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H.R. 2342) should be enacted.

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